

**Code of Conduct**  
**Adopted by the Select Board**  
**For Public Officials of the Town of Monterey**

**Preamble**

The citizens of the Town of Monterey are entitled to have fair, ethical and accountable local government which has earned the public's full confidence for integrity. The effective functioning of democratic government therefore requires that:

- Public officials, both elected and appointed, comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain;
- Public officials exhibit steady and reliable leadership; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of cooperation.

To this end, the Monterey Select Board has adopted a Code of Conduct for our public officials to assure public confidence in the integrity of local government and its effective and fair operation.

**Act in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern, officials will work for the common good of the people of Monterey, not for any private or personal interest. They will assure fair and equal treatment of all persons, claims and transactions coming before them.

**Comply with the Law**

Officials shall comply with Federal and State laws, as well as the Town of Monterey's Bylaws and policies in the performance of their public duties. This code of Conduct aims to encourage ethical behavior and adherence to laws, including but not limited to: Open Meeting Law, Public Records Laws, and State Ethics Law.

**Positive Work Place Environment**

Officials shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Officials shall work cooperatively and regularly with the Town Administrator, Department heads, town employees and members of other Town Boards and Committees to help create a healthy work environment. In addition, it is incumbent upon the Select Board to hear concerns and stay apprised of issues that may require Select Board involvement.

## **Attendance**

Officials shall endeavor to attend all meetings of the board, committee, or commission of which they are a member. Officials shall actively listen and participate in each meeting, and remain for the duration of each meeting in order to attend to all business. To the extent that an official is unable to attend a meeting, or the whole meeting, the official should notify at least one other member of the multi-member body.

## **Responsibilities**

Officials shall complete all duties for which they are responsible, alerting the appropriate party when they are unable to fulfill any of their responsibilities, so that this can be accounted for and business can be completed. For the Select Board, these responsibilities include, but are not limited to: 1) fiscal responsibility for the town, including the weekly review and signing of warrants, 2) hiring/appointment and oversight of town employees, appointed boards and commissions, Town Counsel, etc. 3) setting policy and strategic direction, 4) preparing the annual and special Town Meeting warrants and attendance at all Town Meetings.

## **Conduct of Officials**

The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other officials, staff, employees or public.

## **Respect for Process**

Officials shall perform their duties in accordance with the processes and rules of order which have been established by their respective board, commission or committee, and which govern the deliberation of public policy issues, meaningful involvement of the public, and the ability of Town staff and employees to implement policy decisions as authorized by the Select Board.

## **Conduct of Public Meetings**

Officials shall prepare themselves for agenda items by giving due attention to related correspondence and conducting other research as necessary; listen courteously, attentively, and with an open mind to all public discussions before the body prior to drawing conclusions on topics; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments, or any other comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

## **Endorsement of Candidates**

Officials have the right to endorse candidates for Select Board seats or other elected offices. It is inappropriate to mention endorsements during public meetings or other official Town functions.

## **Keep political support away from public forums**

Just as Board and Commission members may offer political support to a Select Board member, but not in a public forum while conducting official duties, Select Board members may also

support Board and Commission members who are running for office, but not in an official forum in their capacity as a Select Board member.

### **Communication**

Officials shall publicly share substantive information that is relevant to a matter under consideration by a board, commission, or committee, which they may have received from sources outside of the public decision-making process.

### **Conflict of Interest**

In order to assure their independence and impartiality on behalf of the common good, officials shall not use their public positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

### **Gifts and Favors**

Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

### **Confidential Information**

Officials shall respect the confidentiality of information concerning the property, personnel or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

### **Use of Public Resources**

Officials shall not use public resources not available to the public in general, such as Town staff time, equipment, supplies or facilities, for private gain or personal purposes.

### **Representation of Private Interests**

In keeping with their role as stewards of the public interest, Public Officials shall not appear on behalf of the private interests of third parties before any Board, Commission, Committee or proceeding of the Town (unless they are exempt from this requirement and have clarified this with the State Ethics Commission). When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Monterey nor will they allow the inference that they do.

### **Advocacy**

Officials shall represent the official policies or positions of the Town to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and

positions, members shall explicitly state they do not represent their body or the Town of Monterey nor will they allow the inference that they do.

### **Independence of Boards and Commissions**

Because of the value of the independent advice of boards and commissions to the public decision-making process, public officials shall refrain from using their position to unduly influence the deliberations or outcomes of proceedings. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Monterey nor will they allow the inference that they do.

### **Policy Role of Officials**

Officials shall respect and adhere to the Town Meeting and Select Board structure of government. In this structure, the Select Board determines the policies of the Town with the advice, information and analysis provided by the public, other boards, committees, commissions, and Town staff. Public Officials therefore should not interfere with the administrative functions of the Town or the professional duties of Town staff. Town staff and Select Board members have an obligation to abide by any lawful decision made by the Select Board.

### **Implementation**

As an expression of the standards of conduct for public officials expected by the Town of Monterey, this Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when officials are thoroughly familiar with it and embrace its provisions. For this reason, ethical standards shall be included in the written orientation materials for candidates for all Town positions, applicants to boards, committees, and commissions, and newly elected and appointed officials. All public officials shall annually review the Code of Conduct, and the Select Board shall consider recommendations to update it as necessary.

### **Compliance and Enforcement**

The Monterey Code of Conduct expresses standards of ethical conduct expected for all Public Officials. Officials themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of boards, committees and commissions have the additional responsibility to intervene when actions that appear to be in violation of the Code of Conduct are brought to their attention. A violation of this Code of Conduct shall not be considered a basis for challenging the validity of a board, committee, or commission decision.

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Date:

5/25/22

Susan Cooper:

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5/25/22